

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EMANUEL LEDEZMA,

07 CV 11341

ANSWER

Plaintiff,
-against -

GUY & GALLARD, INC & MATRAT LLC,

Defendants.

x

Defendants Guy & Gallard, Inc. & Matrat LLC, by their attorneys Wiseman & Hoffmann, for their answer to the complaint herein aver as follows:

1. Deny the allegations set forth in paragraph 1 of the complaint.
2. Deny the allegations set forth in paragraph 2 of the complaint.
3. Admit the allegations set forth in paragraph 3 of the complaint.
4. Admit the allegations set forth in paragraph 4 of the complaint.
5. Deny the allegations set forth in paragraph 5 of the complaint.
6. Deny knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph 6 of the complaint.
7. Admit the allegations set forth in paragraph 7 of the complaint.
8. Deny the allegations set forth in paragraph 8 of the complaint.
9. Deny the allegations set forth in paragraph 9 of the complaint.
10. Deny the allegations set forth in paragraph 10 of the complaint.

11. Deny the allegations set forth in paragraph 11 of the complaint.
12. Deny the allegations set forth in paragraph 12 of the complaint.
13. Deny the allegations set forth in paragraph 13 of the complaint.
14. Deny knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph 14 of the complaint.
15. Deny the allegations set forth in paragraph 15 of the complaint but admits plaintiff worked as a kitchen staffer for defendant Matrat LLC from September 2002 until July 2007.
16. Deny the allegations set forth in paragraph 16 of the complaint.
17. Deny the allegations set forth in paragraph 17 of the complaint but admit that plaintiff worked as a kitchen staffer for defendant Matrat LLC from September 2002 until July 2007.
18. Deny the allegations set forth in paragraph 18 of the complaint.
19. Defendants repeat and reallege their responses to paragraphs 1 through 18 of the complaint.
20. Admit the allegations set forth in paragraph 20 of the complaint.
21. Deny the allegations set forth in paragraph 21 of the complaint but admit that plaintiff worked as a kitchen staffer for defendant Matrat LLC from September 2002 until July 2007.
22. Deny knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph 22 of the complaint.
23. Admit the allegations set forth in paragraph 23 of the complaint.
24. Deny the allegations set forth in paragraph 24 of the complaint.

25. Deny the allegations set forth in paragraph 25 of the complaint.
26. Deny the allegations set forth in paragraph 26 of the complaint.
27. Deny the allegations set forth in paragraph 27 of the complaint.
28. Defendants repeat and reallege their responses to paragraphs 1 through 27 of the complaint.
29. Deny the allegations set forth in paragraph 29 of the complaint but admit that plaintiff worked as a kitchen staffer for defendant Matrat LLC from September 2002 until July 2007.
30. Deny the allegations set forth in paragraph 30 of the complaint.
31. Deny the allegations set forth in paragraph 31 of the complaint.

FIRST AFFIRMATIVE DEFENSE

32. Plaintiff fails to set forth a claim against defendant Guy & Gallard, Inc. upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

33. Plaintiff's claims, in whole or in part, are barred by the applicable statute of limitations.

THIRD AFFIRMATIVE DEFENSE

34. Plaintiff has failed to adequately plead his claims for a collective action pursuant to the statutory provision relied upon in the complaint.

WHEREFORE, answering defendants respectfully demand that the complaint herein be dismissed in its entirety and that there be awarded recovery of the costs and

disbursements of this section, reasonable attorney's fees and such further relief as the Court shall deem appropriate.

Respectfully submitted,

Dated: New York, New York
February 15, 2008

WISEMAN & HOFFMANN
By 
Andrew S. Hoffmann, Esq. (ASH-5517)
*Attorneys for Defendants Guy & Gallard,
Inc. & Matrat LLC*
460 Park Avenue South, 4th Floor
New York, New York 10016
Tel No. (212) 686-2110
Fax No. (212) 686-4766

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STATE OF NEW YORK)
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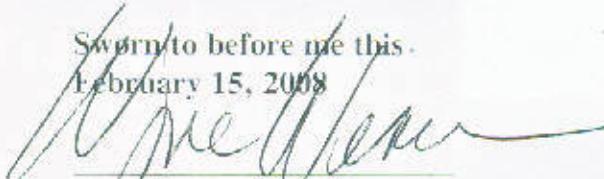
AIMÉE WEST, being duly sworn, deposes and says:

1. I am not a party to the action.
2. I am over 18 years of age and reside at 460 Park Avenue South, 4th Floor, New York, New York 10016.
3. On February 15, 2008, I served the annexed consent to change attorneys on the person described below by depositing a copy of same in a first class, post-paid envelope properly addressed to those persons at the address set forth below their names in an official depository under the exclusive care and custody of the United States Postal Service within New York State:

The Law Office of Justin A. Zeller, P.C.
251 West 14th Street, 5th Floor
New York, New York 10011


Aimée West

Sworn to before me this
February 15, 2008


Notary Public
STATE OF NEW YORK
No. 36-4862300
Qualified in 16th County
Commission Expires June 12, 2011

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